



**Environmental  
Planning  
Commission**

**Agenda Number: 3  
Project Number: 1007959  
Case Numbers: 09EPC-40054/40055  
October 15, 2009**

**Staff Report**

<b>Agent</b>	Integrated Design & Architecture
<b>Applicant</b>	Greater Albuquerque Housing Partnership
<b>Request(s)</b>	<b>Zone Map Amendment</b>  <b>Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Lots 1-12, Block 2, Paris Addition
<b>Location</b>	Fourth St. NW between Summer and Kinley Aves.
<b>Size</b>	Approximately 1 acre
<b>Existing Zoning</b>	C-2
<b>Proposed Zoning</b>	SU-1 for PRD

**Staff Recommendation**

**DEFERRAL of 09EPC-40054 (Zone Map Amendment), for 60 days, based on the Findings beginning on Page 22.**

**DEFERRAL of 09EPC-40055 (SDPBP), for 60 days, based on the Findings beginning on Page 24.**

**Staff Planner**  
**Carol Toffaleti, Planner**

**Summary of Analysis**

The dual request is a zone change from C-2 to SU-1 for PRD and a site development plan for building permit for lots 1-12, Block 2, Paris Addition, a 1-acre site located on 4<sup>th</sup> Street NW between Summer and Kinley Aves. The mixed use project consists of 36 affordable condo apartments and 6,600 sf of O-1/C-1 uses, built in 4 phases.

The site is in the Established and Central Urban Areas of the Comprehensive Plan and adjacent to a Major Transit Corridor. Development is governed by the Interim Design Regulations for the 4<sup>th</sup> Street Corridor (R-09-340, 10/7/09), pending City Council adoption of the North 4<sup>th</sup> Street Rank III Corridor Plan.

The applicant submitted a nearly acceptable justification for the zone change per R-270-1980. The proposed higher density housing and mix of uses further several City goals and policies, but the site design does not adequately reflect values of the adjacent residential neighborhood.

The project is supported by the local merchants association and has raised concerns and one letter of opposition from residential neighbors.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 09/08/2009 to 09/18/2009. Agency comments used in the preparation of this report begin on Page 28.

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<b>Site</b>	C-2 Community Commercial	Established Urban and Central Urban Areas	vacant (former used car lot)
<b>North</b>	same	same	auto repair
<b>South</b>	same	same	offices
<b>East</b>	same	same	business services (home furnishings)
<b>West</b>	S-R Sawmill Residential	Established Urban and Central Urban Areas; Sawmill/Wells Park sector development plan	auto repair, single family residential, vacant undeveloped land

**Background**

The request is a zone map amendment from C-2 to SU-1 for PRD and a site development plan for building permit for lots 1 – 12, Block 2, Paris Addition, a site of approximately 1 acre located on 4<sup>th</sup> Street between Kinley and Summer Avenues. The applicant proposes to redevelop a former used car lot with a mixed-use development. The 3-story buildings include 36 apartments for sale (condos) totalling 35,592 sf and 7,458 sf of commercial space for O-1 and C-1 uses. Development of the site would be in 4 phases, beginning with the residential buildings on Summer and Kinley and ending with the mixed use buildings on 4<sup>th</sup> Street. All the new street infrastructure would be built in the first phase. The existing 12 lots would be consolidated into one parcel at the Development Review Board (DRB).

The subject site is in the Central Urban Area and within the Established Urban Area of the Comprehensive Plan. It is adjacent to a Major Transit Corridor, 4<sup>th</sup> Street. No existing Rank II or III plan applies to the request. It is within the area of the Draft North Fourth Street Rank III Corridor Plan, which the EPC recommended for approval and is under consideration by the City Council. A three-month moratorium on roadway projects and new development within the corridor was reintroduced and passed by the City Council on October 7<sup>th</sup> "with immediate action" (R-09-340, 10/7/09), and Interim Design Regulations are in effect. The west boundary of the site is contiguous to the Sawmill/Wells Park sector development plan area.

The site covers one half of the block bounded by Kinley to the north, Summer to the south, 4<sup>th</sup> Street to the east and 5<sup>th</sup> street to the west. The AGIS system shows that the west boundary of the site is diagonal, making the site wider at Kinley than at Summer. However, the applicant has provided a letter from their attorney with exhibits (see att.). The documents explain the platting history of the subdivisions (Romero and Paris) that split the block into two and indicate that the applicant's property has a uniform depth of 142' deep from the property line on 4<sup>th</sup> Street. This makes the west boundary of the site perpendicular to Summer and Kinley and excludes any part

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of the informal alley that links those streets, which is approximately 16' wide total. The exhibits demonstrate that lot 7, Block 4, Romero Addition, in the southern half of the block includes an 8' strip of alley and confirms that the east boundary of lot 19, Block 4, Romero Addition, in the northern half of the block is on the diagonal. That leaves a long sliver of "no man's land" ranging in width from approximately 8' at Summer to 21' at Kinley. If the dual request is approved, the discrepancy between the City's AGIS information and the plats and public use of the alley will need to be resolved before the next stage in the city approval process, i.e. at the Development Review Board (DRB). Staff has discussed appropriate wording with the Assistant City Attorney for a possible finding and condition.

### ***History***

The current C-2 zoning is the original zoning of the site established in 1959. A request to vacate the informal alley was withdrawn by the previous owner in early 2007 (#1005273, 06DRB-01692, 2/21/07, att.). This was apparently due to objections from two of the adjoining property-owners and the Wells Park neighborhood association (see att.). The neighbors wanted to retain access to their property from the alley. The NA stated the alley was chosen as the east boundary for the sector development plan to help maintain a buffer between commercial uses on 4<sup>th</sup> Street and the less intense uses on 5<sup>th</sup> Street. No other action affects the site.

There are a few zoning actions in the surrounding area that are relevant to the request:

- In 1997, a conditional use for a small apartment complex was approved for a site zoned C-2 at 4<sup>th</sup> and Constitution (ZA-97-324, 10/27/97). The use was supported by neighboring property-owners and still exists today.
- In 2005, a conditional use for outdoor storage of vehicles was approved by the Zoning Hearing Examiner for the property kitty-corner to the site on 4<sup>th</sup> St and Summer (1003899, 05ZHE-00081, 3/31/05).
- In 2006, two properties on 5<sup>th</sup> Street within a block of the site were rezoned from SU-2/S-R (Residential) to SU-2/SU-1 for Law Office and/or Residential (1004623, 06EPC-00019, 3/16/2006 and 1004732, 06EPC-00288/289, 4/20/2006). Both zone changes were associated with site development plans that renovated dilapidated buildings on the site. The limited uses and building improvements were generally supported by the Wells Park Neighborhood Association.

In the 1995 update of the Sawmill/Wells Park sector development plan, the properties west of the site were rezoned from SU-2/C-1 to SU-2/SR (Sawmill Residential), along with other properties fronting 5<sup>th</sup> Street. The intent of the zone change is set out on page 77: "...to conserve the existing residential neighborhoods while allowing a variety of small scale housing and existing businesses. The new zone will accommodate existing nonresidential uses that have developed between housing provided they comply with limitations specified in the S-R zone and the Sawmill/Wells Park General SU-2 Regulations."

### ***Context***

To the north, across Kinley, is an auto shop within the strip of C-2 zone lining 4<sup>th</sup> Street. To the south across Summer, is a an office/institutional use with services for “youth-at-risk” within the strip of C-2 zone lining 4<sup>th</sup> Street. To the east, across 4<sup>th</sup> Street, are the offices of a home furnishings business and a social enterprise, also zoned C-2. The land west of the applicant’s property is zoned SU-2/S-R and is within the Sawmill/Wells Park sector plan area. From north to south along this west boundary is vacant undeveloped land, the end of a public alley that leads to 5<sup>th</sup> Street, the back yard of a single family residence and the side yard of an auto parts repair shop.

The site faces 4<sup>th</sup> Street and forms the east half of the block bounded by 4<sup>th</sup>, Summer, 5<sup>th</sup> and Kinley. 5<sup>th</sup> is a one-way northbound street. Note that the alley along the west boundary of the site would be a public access easement. In contrast, the alley perpendicular to it, that joins 5<sup>th</sup> street only, is an existing public ROW.

4<sup>th</sup> Street is a historic roadway and is predominantly commercial in character. The corridor near the subject site is lined with offices, commercial services and retail uses, with the exception of residential uses one block northeast of the site at Constitution.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates 4<sup>th</sup> Street as a Minor Arterial. It is also currently classified as a Minor Arterial. The standard right-of-way is 86', but the existing ROW is 60' per the applicant. 4<sup>th</sup> Street has two-way traffic and two traffic lanes south of I-40.

Summer and Kinley are local streets.

The Long Range Bicycle Plan designates proposed bike lanes on 3<sup>rd</sup> and 5<sup>th</sup> Streets. Mountain Road is an existing bike boulevard.

### ***Public Facilities/Community Services***

The Wells Park Community Center is two blocks from the site. The Main Police Station, Fire Station 4, and Coronado Park are within ½ mile of the site. The Main Public Library, Washington Middle School and Albuquerque High School are within 1 mile. Although Lew Wallace and Longfellow Elementary Schools are closer to the site, Reginald Chavez Elementary School, located on Mountain west of Rio Grande Blvd, is the designated APS school for this subdivision.

ABQ Ride: The #10 North 4<sup>th</sup> Street operates Monday to Saturday from early morning into the evening and daytime on Sunday in front of the site. The #8 Menaul operates seven days a week and has stops on 5<sup>th</sup> and 6<sup>th</sup> Streets. The #5 Montgomery/Carlisle operates seven days a week and has stops on 2<sup>nd</sup> and 3<sup>rd</sup> Streets. The Blue Line Rapid Ride operates Monday to Saturday from early morning into the evening. The nearest stops on Lomas are approximately 0.5 mile from the site. Commuter routes #7 Candelaria and #13 Comanche operate on 2<sup>nd</sup> and 3<sup>rd</sup> Streets.

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Commuter routes #92 Taylor Ranch, #93 Academy and #94 Unser Express operate on 5<sup>th</sup> and 6<sup>th</sup> Streets.

## **ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES**

### **Albuquerque Comprehensive Zoning Code**

The applicant's submittal includes a site development plan for building permit that provides all the information required by the SU-1 for PRD regulations in the Zoning Code. These regulations specify the minimum requirement, which is a site development plan for subdivision with basic site data and design standards for future development. The applicant's submittal provides the site data and a full site development plan for building permit, which exceeds the requirement.

The square footage of the proposed commercial uses (7,458 sf) represents 17.3% of the total (43,050 sf), which complies with the limit of 25% that may be approved by the EPC.

In addition to the SU-1 for PRD and general zoning regulations, Interim Design Regulations apply to the project (see below).

### **North Fourth Street Corridor Interim Design Regulations for New or Additional Construction / Development of more than 100 sf (Exhibit A, R-08-46)**

A moratorium on roadway projects and new construction was first established by the City Council in 2007 in R-07-338. It was extended once, and recently reintroduced and passed again (R-09-340, 10/7/09). The moratorium includes Interim Design Regulations (Exhibit A, att.) that apply to all new development of more than 100 sf on properties along 4<sup>th</sup> Street (Section 3). The sponsoring Councilor has confirmed that the regulations apply to the dual request. The Code Enforcement Officer considers that they take precedence over any conflicting SU-1 or general zoning regulations that may apply.

The proposal complies with the interim regulations with the following exceptions:

(C) Maximum building height:

- *The residential wings of the project are within 50' of the property line of the SU-2/SR zone to the west of the site, a developed single family residential zone. The structures are 3 stories and up to 40' high, which exceeds the limit of 2 stories and the height of 26'.*

(E) Frontage Building Requirements:

(b) Parking

- *The proposed quantity of parking is not consistent with the general regulations of the Zoning Code, including transit reductions.* Under 14-16-3-1:
  - The 28 flats with one bath and less than 1000 sf require 1.5 spaces per unit, i.e. 42 spaces ((A)(24)(b))
  - The 8 flats with two baths and more than 1000 sf require 2 spaces per unit, i.e. 16 spaces. ((A)(24)(a))

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(Total residential: 58 spaces)

- The 6,587 net sf of commercial space require 1/200 sf, i.e. 33 spaces. ((A)(21) and (27))
  - Total: 91 spaces
- A 10% transit and 5% bus shelter reduction applies, i.e. 91 spaces less 15% or 13 spaces ((E)(6)(a))
  - Adjusted total: 78 spaces
- The applicant proposes to create 17 on-street parking spaces. Subject to the Traffic Engineer's approval and a notification process whereby comments from property-owners within 250' are considered, the Planning Director may allow a credit of one half the spaces to be counted toward the off-street parking requirements ((6)(E)(d)).
  - Conditional total: 70 spaces
- Note that shared parking between residential and non-residential uses is not allowed. ((6)(E)(b)(1))

***The applicant is proposing 40 off-street parking spaces and 100% of the on-street parking spaces, i.e. 17 spaces, for a total of 57 spaces. Only the off-street parking can be counted outright, which is 37% less than the required parking. If an on-street parking credit is approved, the proposed parking would be 48 spaces, which is 31% less than required.***

- o *The 20' wide vehicular driveway from 4<sup>th</sup> Street exceeds the limit of 12'.*

#### Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

The subject site is located in the area designated *Established Urban* by the Comprehensive Plan with a Goal to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

***The zone change would widen choice in housing, transportation, work areas and lifestyles, by allowing a mix of housing, office and neighborhood commercial uses on a site that is well served by transit and within walking and biking distance of community facilities and Downtown. The accompanying site development plan would implement a site design and building that creates visually pleasing frontages on bordering streets. The dual request meets the intent of the Goal.***

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

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*The dual request would create a mix of apartments, neighborhood commercial and office uses and help increase the gross density of dwelling units per acre in the Established Urban Area. The dual request furthers the policy.*

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*The zone change would allow higher density housing, mixed with some office and neighborhood commercial uses. The site is within a predominantly commercial corridor and is adjacent to a residential zone. The residential component will support existing social, cultural and recreational resources in the Wells Park neighborhood and Downtown, and the commercial component may help diversify retail and services in the area. The proposed SU-1 for PRD zone respects the values of the North Fourth Camino Real Merchants Association, as evidenced by their letter of support. The Wells Park neighborhood association do not object to the principle of the zone change, but they have concerns about the details of the associated site development plan. The proposed zone change furthers the policy.*

*The design of the project is sensitive to its context in terms of the streetscape design, the general site layout and the architecture. However, it has raised various concerns from residents of the neighborhood to the west, such as inadequate parking and buffering. An adjoining residential property-owner objects to the development outright, because of its density and associated impacts. The site development plan for building permit partially conflicts with the policy.*

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

*The zone change will facilitate redevelopment of vacant land that is contiguous to existing urban facilities and services. The proposed SU-1 for PRD zone allows a mix of residential and commercial uses that does not conflict with either the residential or commercial zones adjacent to the site. The zone change furthers the policy.*

*The site development plan places commercial units on the 4<sup>th</sup> Street frontage at ground level, and apartments above these units and on the side streets, with off-street parking screened by the U-shaped building complex and a wall at the rear of the site. The proposed site layout is sensitive to the existing commercial corridor and the adjacent neighborhood to the west, which is predominantly residential in character. However, some residents are concerned about spillover parking and additional traffic on surrounding streets. The proposed parking is in fact deficient under the Interim Design Regulations for the corridor. The site development plan partially furthers the policy.*

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

...

- In areas with excellent access to the major street network.

- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

...

- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

*The proposed location for higher density housing is appropriate. The site is on an arterial with access to major streets and the interstate. It is in an area with a mix of density and uses, since it is at the boundary of a lower-density residential neighborhood and a commercial corridor, where adequate infrastructure is available. However, the proposed density of 36.7 dwelling units per acre is higher than the 30 D.U.s/acre identified as the preferred maximum. The dual request partially conflicts with the policy.*

Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

*The proposed zone allows a mix of residential, office and neighborhood commercial uses, with residential units representing a minimum of 75% of the total square footage of the development. This ensures the predominance of residential over commercial uses on the site, and complements the adjacent mix of residential, office and neighborhood commercial uses to the west. The zone change furthers the policy.*

*The site development plan places the office and commercial spaces along 4<sup>th</sup> Street and the housing above them and on the side streets. Vehicular ingress to the off-street parking is from 4<sup>th</sup> Street only, and egress is to the north half of the alley that leads to Kinley Ave., across from a C-2 zone and land use. The building is U-shaped with active frontages on the street or facing the interior of the site, which is mostly parking. The proposed site design, including a screen wall, landscaped buffer, and pedestrian-scale lighting, minimizes adverse effects of noise, lighting, and traffic on the nearest residential environment to the west. The site development plan furthers the policy.*

Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

...

- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

*The dual request would retain a commercial element on a site that is currently zoned C-2 Community Commercial, and would create contiguous storefronts for office and neighborhood commercial uses on a street in an older part of the City. The dual request furthers the policy.*

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Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

*The proposed access protects the established residential neighborhood to the west. Vehicular ingress to the off-street parking, and for refuse pick-up and emergencies, is limited to a driveway off 4<sup>th</sup> Street. Egress is from a single driveway into the north part of the alley, which leads to Kinley Ave. The ingress would be gated at night, with access limited to residents and emergency vehicles only. The egress would be controlled at all times by a gate with a sensor. Except for this gate, the west boundary of the site is enclosed by a solid wall, designed to screen the parking area. The exit is oriented to direct motorists northward on the alley, and discourage them from turning toward Summer Ave. or 5<sup>th</sup> Street. The proposed density of the development will generate parking demand that may not be adequately accommodated within the site or in abutting parking spaces on the street. The site development plan for building permit partially conflicts with the policy.*

Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*The mixed-use development is designed to encourage pedestrian activity and neighborly interaction, and to create “eyes on the street” on three frontages. The west side of the development is designed to screen and secure the site, for the benefit of residents and users of the site as well as adjacent property-owners and occupants. The approach exhibits quality and innovation, and sensitivity to the context of the site and the City’s draft plan to revitalize the 4<sup>th</sup> Street Corridor. The site development plan for building permit furthers the policy.*

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The dual request would facilitate redevelopment of a long vacant site, with a mix of uses that would help rehabilitate a section of the 4<sup>th</sup> Street corridor and complement Wells Park, both older parts of the City. The dual request furthers the policy.*

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

*The dual request would create housing for sale, that relies partially on public, including City, funding, to make it affordable for families earning 80% of area median income. Depending on the type of financing that is used, the City may recoup some of the appreciation in property value upon sale. It would also facilitate new office and commercial development that would generate revenue for local governments. The dual request partially furthers the policy.*

#### *Central Urban Area*

The Goal is “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City”.

NOTE: ... Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

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*The proposed zoning and mixed use development recognize that the site is at the boundary between an established commercial corridor and a residential neighborhood. The 36 new dwelling units represents a higher intensity of development than is generally appropriate in the Central Urban Area. The dual request is partially consistent with the Goal.*

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

*The zone change would increase the number of residents on a site that has multi-modal access to cultural, arts and recreation facilities. It would create opportunities for neighborhood-scale retail and service uses that could have a cultural or art focus. The site is designed to improve the streetscapes bordering the site. The dual request furthers the policy.*

*Air Quality*

Goal: is to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

*The dual request combines higher density housing with office and commercial space on a site near Downtown and with good access to transit. It creates the opportunity for services to locate near a residential area and for live-work on site. The dual request furthers the goal and policy.*

*Transportation and Transit*

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

*The proposed mixed use zoning and development would be located in a central neighborhood that is near facilities and services, including transit, which encourages alternatives to car travel. It is consistent with the Goal.*

Policy II.D.4.a: Table 11 presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

*4<sup>th</sup> Street is both an Arterial and a Major Transit Corridor. Where there is overlap between policy objectives, Staff has analyzed the request against the more specific and demanding objective.*

The policy objectives for Street Design in a *Major Transit Corridor* are:

- ...
- On-street Parking: Permissible on a case-by-case basis.
- Pedestrian circulation: Maximize pedestrian connections to transit stops, between adjacent developments and across the street.
- Sidewalk: 12 ft wide sidewalk; as little as 6 ft where there are unalterable constraints.
- Sidewalk setback: 4 ft minimum, may be reduced if wider sidewalk is desirable or should be increased with sufficient right-of-way.

• ...

***The applicant is proposing to use all the on-street parking spaces that abut the site. Pedestrian connections are provided. The sidewalks would be between 6' and ... wide and separated from the curb by street trees.***

...

The policy objectives for Development Form in a Major Transit Corridor are:

- Building Access from Street: Provide major entrance from street.
- Building Setback: Minimum setback; setback to provide landscaping or pedestrian activity areas only.
- Parking Location: Separated from the street by the building.
- Parking Reductions: 10% mandatory and up to 25% encouraged; shared parking encouraged.
- Employment Density Targets for New Development: Floor area ratio of 1.0 – 2.0.
- Housing Density Targets for New Development: 10-35 du/acre (net)
- Modal Hierarchy: Transit, pedestrians, autos, bikes.

***The site development plan meets most of the objectives. However, the proposed parking provision represents a reduction of... and zoning regulations do not allow shared parking between residential and other uses. The proposed housing density of 36.4 du/acre is slightly higher than the upper end of the target range.***

...

The Transit Service policies for Arterials include:

- Weather-protected bus stops at select locations

***The existing bus stop at 4th and Kinley would be upgraded with a shelter.***

...

***Overall, the site development plan partially furthers the policy.***

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Policy II.D.4.c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

***In principle, the proposed higher density housing is appropriate in this location on a Major Transit street, but the 36 dwellings coupled with commercial uses may cause spillover parking problems in the adjacent neighborhood. The dual request partially conflicts with the policy.***

*Housing*

Goal: To increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.D.5.a: The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

***The dual request would increase the supply of affordable housing for sale, in the form of condominium apartments, which furthers the goal and policy.***

**Water Conservation/Green Principles**

*Water Management*

Goal: Efficient water management and use.

Policy II.D.2.b: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

***The proposed landscape plan calls for medium and low water use species. Water harvesting measures are proposed, in the form of curb cuts at the side streets and in the parking area, to supplement irrigation of landscaped beds. No pervious paving is indicated. The site development plan mostly furthers the goal and policy.***

*Energy Management*

Goal: To maintain an adequate, economical supply of energy through energy management techniques and use of alternate and renewable energy sources.

Policy II.D.3.a: Use of energy management techniques shall be encouraged.

***The proposed higher density zoning creates a compact development form that is inherently energy efficient. The storefronts have canopies and the dwelling units have shaded frontages, patios (or decks), and awnings over the windows. The flat roof is covered with a white membrane. The landscape plan includes a generous number of shade trees. The dual request mostly furthers the goal and policy.***

**North Fourth Street Rank III Corridor Plan**

The North Fourth Street Corridor Plan (NFCP) was recommended for approval by the EPC in March 2009 and the 5/2009 Draft was forwarded to the City Council for their consideration. It

has not yet been adopted. The plan generally encompasses properties between Mountain Road to the south and Solar Road to the north. The site is in the proposed North Fourth Transit Oriented Development (NFTOD) District.

The applicant's site development plan refers to some of the regulations in the draft plan, such as building setbacks and parking. However, the interim design regulations apply to the proposal at this time. In comparing the two sets of regulations, staff noted that the plan allows full use of abutting on-street parking, shared parking between residential and other uses, and the number of required spaces per developed square footage is lower than the interim regulations (p. 28-30). However, the maximum building height near a residential zone in the NFTOD is more restrictive (p. 34): "Building area within 75' of the property line of a single family residential zoned parcel: 2 stories with a maximum of 26 feet."

### **Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

A summary of the applicant's justification is in regular type under each Section. Staff analysis is in ***bold italics***.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The zone change for dwellings and commercial uses on this vacant site will add activity to the area "24/7" and help prevent crime. It would provide a buffer between the lower density residential neighborhood to the west and the industrial and commercial uses in the 4<sup>th</sup> street corridor. The higher density housing will support existing cultural and recreational resources in the neighborhood and downtown and is close to transit and employment opportunities in the downtown area and the corridor. This can help reduce vehicle miles travelled and reduce overall congestion and pollution.

***Staff agrees that the change is consistent with the health, safety, morals and general welfare of the city. In addition, city facilities and services will not be adversely affected by the change and public schools have excess capacity.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

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The requested zoning is compatible with adjacent zoning and land uses. The proposed residential, office and neighborhood commercial uses will complement the two existing single family homes within the same block as the site and contribute to the stabilization of the residential neighborhood to the west. The development will be of the same quality as other developments by the applicant in the central area, which provide activity and neighborhood presence and support existing parks and services. These have had broad neighborhood support.

***Staff finds that the applicant has provided a nearly adequate justification for the zone change. The mix of higher density housing and lower intensity commercial uses will act as a transitional zone and the change will facilitate redevelopment of a long vacant site, which restores stability to the area.***

***However, the requested SU-1 zone requires approval of a site development plan, which provides the specifics of the development, including density and site design, that are particular to the site and its context. The Wells Park Neighborhood Association has some outstanding questions and issues about parking and buffering measures, which they feel have not yet been addressed by the applicant. One adjoining resident is opposed to the project, because they believe the density of the development will have adverse impacts on the use of their property. Since the zone change is dependent on an acceptable site design, the justification is not sound.***

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Although the North 4<sup>th</sup> Street Corridor Plan is not yet adopted, the proposal is consistent, with a few exceptions, with the North 4<sup>th</sup> Transit Oriented Development Zone of the draft plan, as well as the Interim Design Standards. Applicable goals and policies of the Comprehensive Plan are cited, and their connection with the zone change and associated site development plan is discussed:

- The zone change supports choice in housing, transportation, work areas and lifestyles due to its proximity to Downtown and two transit corridors (Established Urban Area (EUA) Goal)
- The mixed use zone respects and supports existing neighborhood values and resources, by strengthening the residential component of the area and utilizing existing public amenities such as the nearby community center. The site design is of quality and reflects input from the neighborhood association. (EUA policy d)
- The change will redevelop a vacant site in an older part of the Central Urban Area, that has existing urban facilities and services; it will allow residential growth and small business opportunities that link to uses in the 4<sup>th</sup> street corridor and Downtown and enhance the integrity of the neighborhood (EUA policies e & o, CUA policy b)

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- The higher density housing is appropriate on the major street and transit corridor. It will provide a transition between industrial and commercial uses to the east and residential uses to the west and encourage transit ridership. (EUA policy h, Transportation policy c)
  - The mixed use development is designed to complement and minimize adverse effects on the residential area to the west (EUA policy i)
  - The site design is a unique urban redevelopment model that promotes neighborly interaction and active street frontages. (EUA policy l)
  - The redevelopment project may use City affordable housing funds. The higher density housing will fulfill market demand, maximize use of available city services and infrastructure, and support neighborhood commerce. (EUA policy p)
  - The mixed use project creates a better employment-housing balance, minimizes travel to work (either on site or Downtown) and maximizes walking and public transit use (Air Quality policy b, Transportation Goal)
  - A higher density development is by nature energy-efficient and the design includes solar control measures and a white membrane roof. (Energy Management policy c)
  - The project increases the availability of quality affordable housing in a location convenient to services and jobs (Housing goal and policy a)

***Staff agrees that the proposed mixed use zone is consistent with several goals and policies, but disagrees that the associated site development plan adequately reflects the residential neighborhood's input and values (EUA policies d and i).***

***Staff finds that other policies also apply. Staff found that the dual request was 1) consistent with EUA policies a, and j, Transportation policy a, and Water Management Goal and policy b; and 2) inconsistent with EUA policy k. These are discussed more fully in staff's analysis beginning on p. 5 of this report.***

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

Under 2, a change in neighborhood conditions has occurred since the original zoning was established in 1959. The commercial importance of the 4<sup>th</sup> Street corridor has declined and the C-2 zone has not resulted in redevelopment of the vacant property, while the residential zone to the west includes some commercial uses. The mixed use zone and development will stabilize the remaining residential uses and buffer them from C-2 uses.

Under 3, the change is also more advantageous to the community as it will provide more residents and neighborhood commercial vitality to the corridor and downtown area. The

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current C-2 zoning allows more intense commercial uses that might not be beneficial to the neighborhood, such as vehicle sales, outdoor building materials and animal hospital. It also has been ineffective in promoting new development. The consistency of the zone change with City planning policies is discussed in Section C. Regarding the site development plan, the proposed building height is mitigated by the alley near the residential zone. The FAR and parking accord with the Draft NFCP.

***Staff agrees that a mixed use zone that includes C-1 rather than C-2 commercial uses is more appropriate under both criteria. However, the accompanying site development plan conflicts with the Interim Design Regulations and has raised concerns from neighbors.***

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The proposed housing will contribute to “eyes on the street” and increase customers for future commercial uses. Existing M-1 and C-2 uses east of 4<sup>th</sup> Street will not be harmed.

***Staff generally agrees, but notes that the proposed housing density in the new zone has implications for building height and parking demand that conflict with the Interim Design Regulations and has raised concerns from residential neighbors.***

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

No known unprogrammed capital expenditures by the City will result from the zone change and development.

***Staff concurs.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not proposed as the determining factor.

***Staff agrees.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

Although the location is on a major street, the request is not being justified on that basis.

***Staff agrees that it is not the sole justification for the request, but notes that the location on a major street is reflected in some applicable planning policies.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

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1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The SU-1 for PRD zone is appropriate in this case because it provides a transition between C-2 development east of 4<sup>th</sup> Street and the single family properties west of 5<sup>th</sup> Street. It anchors and strengthens the residential component of the neighborhood.

*Staff agrees.*

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
  1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request is not a commercial zone and the site is a half-block not a strip of land.

*Staff agrees.*

### ***ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT***

The applicant provided a revised packet on September 30<sup>th</sup>, which addressed many of staff's comments. It was analyzed against the Interim Design Regulations and applicable general zoning regulations.

#### ***Site Plan Layout / Configuration***

The proposed U-shaped development, with buildings close to the street, front patios and decks, and shopfronts facing Fourth Street fits this area of converging neighborhoods. The site is located on a commercial corridor that forms a transition between a predominantly residential neighborhood to the west and a light industrial area to the east. Downtown officially starts four blocks south of the site and this appears to influence the character of the 4<sup>th</sup> street corridor at Summer, where it becomes more urban in density and has more office uses.

A complete makeover of the streetscape is proposed on 4<sup>th</sup> Street, Kinley and Summer, that includes bump-outs at the corners, street trees and ample sidewalks. The structure forms a continuous plane along the street frontages, but is actually broken up into 8 buildings. They are linked with open staircases to the upper story flats and, at the vehicular ingress, with decks at the

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2<sup>nd</sup> and 3<sup>rd</sup> floor levels that span the opening. On the site plan, it is unclear where the entrances to the commercial units and to the interior staircase for the central flats are located.

The off-street parking is screened by the building. The refuse enclosure is within the parking area and is also out-of-view.

The development will occur in four phases as shown on sheet 1. Staff recommends that the legend provided in the original packet be reinstated and include when the rear wall and vehicular gates are implemented.

#### Density/Floor Area Ratio (FAR)

The proposed residential density is a minimum of 20 d.u.'s/acre and an actual density of 36.7 d.u.'s/acre. For the sake of comparison, the actual density would be allowed as a conditional use in the R-3 zone, which is the zone suitable for the highest housing density outside of urban centers such as Downtown and Uptown. The FAR is 1.01, reflecting the net square footage of residential and commercial areas. No FAR is established in the Zoning Code for O-1 and C-1 zoning.

#### Setbacks

The setbacks are based on the site's orientation to face 4<sup>th</sup> Street, with the sides to Summer and Kinley, and the rear on the alley. The actual setbacks of the building (2' at the front and side and 5'4" at the rear) meet the minimum setbacks (0' and 5' respectively). One corner of the refuse enclosure is at the rear lot line, adjacent to the alley, which should be checked for compliance.

#### Building height

All the buildings have three stories. A maximum building envelope of 40' is proposed, to include roof-top equipment. Actual building heights shown on the elevations and in the color renditions indicate that the building is slightly higher above grade on 4<sup>th</sup> Street (39.5', and 40' including the chimney) than on Kinley and Summer (37', and 39' including the chimney). The building heights within 50' of the residential zone to the west do not comply with the Interim Design Regulations.

In response to staff, the applicant provided a diagram on sheet 8 of the packet to show how the proposed development accords with the R-2 regulations. It indicates where 60 degree angle planes fall across a cross-section of the building from the centerlines of adjoining streets and the west property line. There are some errors in the diagram. The west property line is actually at a distance of 5'4" from the building. A more accurate and complete representation of the west boundary would also include the minimum distance to the centerline of the alley, i.e. 13'5" (8'1" from the property line plus the 5'4" building setback), and the minimum distance to the east edge of the residential zone (9'6" at the south half of the block). Also, the angle plane at the north boundary should be 45 degrees rather than 60 degrees.

There is no requirement for Open Space for sites in the Established Urban Area. Under the SU-1 for PRD zone, the EPC may consider whether the development should provide a minimum amount of usable open space on site, for example using the R-3 zoning regulations as a general guide.

### ***Walls/Fences***

The site is effectively enclosed on three sides by the buildings and by a screen wall at the rear of the site. The stucco wall along the alley is 6' high and runs along approximately 230' of the west boundary. Beginning next to the south wing of the building, it is indented approximately 12" every 20' of its length and, after 145', is interrupted by a swinging gate at the vehicular exit of the development, where it curves around the exit before resuming in its indented design and forming the patio wall of the north wing of the building. The applicant explained to staff that it is a solid wall to provide a more effective buffer for the adjacent residential zone. Using the general design regulations for walls as a guide, staff would nevertheless recommend that the wall be redesigned to provide more variation in layout and façade.

### ***Vehicular Access, Circulation and Parking***

Vehicular ingress to the interior of the site is from a 20' wide drive on 4<sup>th</sup> Street at the center of the block. The width does not comply with the Interim Design Regulations. Egress is at the rear from a 16'6" drive into the north part of the alley and Kinley. Both drives are gated and operated by residents (Keyed Notes 18 & 22). However, the front gate will be open from 7AM to 6PM to allow non-residents to use the parking. This only makes sense if the rear gate is also open during the day, since the drive on 4<sup>th</sup> Street is one way only for entering vehicles the site. Solid Waste and the Fire Department find the revised site plan acceptable, but require the front gate to be open at 6AM for garbage pick-up and have a Knox box for emergency access.

The portion of the alley used as an egress from the parking area, including by Solid Waste vehicles, will be paved. The alley itself would not be restricted to one-way traffic.

40 off-street parking spaces are provided which does not comply with regulations, as explained in detail on p. 4 of this staff report.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

New sidewalks are provided, which are 6' wide on the side streets and between approximately 7' and 11' wide on 4<sup>th</sup> Street. Pedestrian access into the interior of the site is provided at several points along the street frontages, and is limited to residents.

The ground floor flats are at grade at the rear of the buildings. The front entrances to the apartment buildings on Summer and Kinley are 3 steps up from the sidewalk with a shared staircase for 6 flats.

Bicycle parking is provided in the form of racks and loops.

An existing transit stop at 4<sup>th</sup> and Kinley will be upgraded with a shelter, as requested by the Transit Department.

### ***Lighting and Security***

Two lightpoles with 16' high, shielded fixtures are proposed near the center of the parking area. Other exterior lighting is limited to wall fixtures mounted at a height of 3' on the patio walls facing the parking area.

The material and color of the site lighting is not indicated, which should be compatible with other architectural elements of the development.

***Landscaping***

The landscape plan provides shade trees in the streetscapes, along the rear wall and within the parking area. The plant palette consists of low and medium water use plants. Curb cuts are noted on the plan to harvest rainwater on side streets and in the parking area. These are detailed on sheet 8. The remaining comments from the City Forester should be addressed.

The landscape plan was not updated to correspond to revisions in the site layout, which affects the location of beds and the calculations.

***Public Outdoor Space***

The wide, shaded sidewalk on 4<sup>th</sup> Street provides a pedestrian friendly public space. No other area is provided on the site or required under applicable regulations.

***Grading, Drainage, Utility Plans***

The grading and drainage plan indicates that the site is relatively flat and that the developed grade will direct stormwater flows to abutting streets that discharge into the existing inlet at 4<sup>th</sup> and Summer.

The utility plan appears acceptable.

Both plans need to be updated to reflect revisions to the site layout on sheet 1.

***Architecture***

Stairways in apartment buildings on Kinley and Summer are screened at the street and open at the rear. The ground floor flats are at grade at the rear of the buildings. The front entrances to the apartment buildings on Summer and Kinley are 3 steps up from the sidewalk with a shared staircase for 6 flats.

***Signage***

Signs are proposed on the storefront awnings only, and are small in area. They are considered projecting signs, per Code Enforcement. The maximum signage area should be specified for each commercial sign, i.e. excluding the numeric addresses.

***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

Comments begin on p. 29. Significant comments were received from Transportation Development, the City Forester and PNM.

***NEIGHBORHOOD/PUBLIC CONCERNS***

Property-owners within 100 ft, the Wells Park NA, the Sawmill Community Land Trust, the North Fourth Camino Real Merchants Assoc. Inc and the North Valley Coalition were notified.

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A facilitated meeting was held on September 28<sup>th</sup> (see report att.) in which questions were asked on a wide range of topics. Concerns were expressed about the adequacy of parking for the development and the need for more time to compile additional concerns from Wells Park residents and have the applicant respond to them. The Wells Park NA (WPNA) agreed to submit a list to the applicant by October 5<sup>th</sup> and the applicant agreed to respond by October 9<sup>th</sup>.

A letter of opposition from an adjoining resident was received on October 7<sup>th</sup> (see att), who objects the intensity of the development and its impacts.

A request for deferral was received from the WPNA on October 5<sup>th</sup>, followed by a copy of the letter from the WPNA to the applicant with a compilation of their questions and concerns (see atts.). The applicant responded to the letter (see att.) Staff responds with some additional comments below:

Parking:

- Will a variance be required since there is insufficient parking for all the units projected?

The amount of parking is deficient, as it does not comply with the Interim Design Regulations for new development in the 4th Street Corridor, which in turn refer to off-street parking regulations in the Zoning Code (see p. of the staff report). No variance is allowed under the Interim Design Regulations, per the Code Enforcement Officer.

- According to what was said a total of 17 vehicles would be required to park on the street, has a study been done to address the other vehicles that tend to park on the street?

The applicant proposes that all 17 on-street parking spaces abutting the site would be available to residents, employees and customers of the development. The applicant has not submitted a parking study as part of the application, nor is it required by the City. However, there is a standard procedure to obtain a credit for available on-street parking. Under off-street parking regulations in the Zoning Code, one half of the spaces may be counted toward the required parking, subject to notification of property-owners within 250' and the Traffic Engineer's review and approval. If approved, the applicant would obtain a credit of 8 parking spaces. However, the additional spaces would not compensate for the deficiency.

- Has there been a traffic study done, to see how the increase of cars parked on Kinley and Summer, would affect these streets, as well as 4<sup>th</sup> and 5<sup>th</sup> Streets?

The project did not meet the threshold for a traffic impact study (see att. form included in application). Traffic impact studies address the number of trips generated by a development and how they affect traffic flows. A study addressing parking is not required by the City. However, the standard procedure to obtain an on-street parking credit provides an opportunity for surrounding property-owners to raise any concerns on this issue. The EPC review and hearing also provide this opportunity.

- Parking lot: A gravel lot? Why? WPNA requested that a paved lot be installed.

The site development plan indicates that the parking is paved with asphalt.

- Project lacks sufficient landscaping for the interior parking lot.

The current site development plan appears to include slightly more landscaping in the parking lot than previously. However, this is based on observation only, because the calculations and the placement of landscaping need to be updated to reflect changes to the circulation within the site. Combined with the landscaping provided on the frontages of Kinley and Summer, the landscaped area exceeds requirements.

Fence: WPNA request a solid 8' fence be erected on the West boundary line, with buffer landscaping.

The revised site plan indicates that the wall is stucco. Five shade trees are proposed along the wall within the site, which will overhang the wall to some extent, but not screen it from the west. Their placement must not interfere with the overhead lines. Staff recommends more variation in the design of the wall to improve its appearance, while keeping it solid throughout.

#### Alley

- Egress to Kinley on the North end, will alley/arroyo be paved and landscaped?

The landscape plan includes shrubs in a planting strip along most of the east edge of the alley. They are not behind a wall and will be visible to the public.

- How can traffic be stopped from going South, using the alley/arroyo? Can a wall be built along the NW corner of the dumpster, to the West side of alley/arroyo?

Transportation Development staff suggests posting a "right turn only" sign at the exit as further reinforcement for the orientation of the exit drive that heads north.

#### Lighting

- Type and placement of lighting on the West end of project? Neighbors!

The lightpoles in the center of the parking area are at a distance of 50' from the west property line and they comply with area lighting regulations in the Zoning Code (14-16-3-9 (F)) for sites near a residential zone.

### **CONCLUSIONS**

The requested SU-1 for PRD zoning and most of the site layout and design are consistent with applicable goals and policies in the Comprehensive Plan. However, critical aspects of the development, including building height and parking, conflict with the Interim Design Regulations for development in the 4<sup>th</sup> Street Corridor. In addition, the project has raised concerns from the neighborhood and opposition from an adjacent residential property-owner.

Staff finds that the project has merit and recommends a 60-day deferral to allow the applicant an opportunity to resolve outstanding issues.

***FINDINGS - 09EPC-40054, October 15, 2009, Zone Map Amendment***

1. The request is a zone map amendment from C-2 to SU-1 for PRD for lots 1 – 12, Block 2, Paris Addition, a site of approximately 1 acre located on 4<sup>th</sup> Street between Kinley and Summer Avenues. The applicant proposes to redevelop a former used car lot with a mixed-use development. The 3-story buildings include 36 apartments for sale (condos) totalling 35,592 sf and 7,458 sf of commercial space for O-1 and C-1 uses. Development of the site would be in 4 phases, beginning with the residential buildings on Summer and Kinley and ending with the mixed use buildings on 4<sup>th</sup> Street. All the new street infrastructure would be built in the first phase. The existing 12 lots would be consolidated into one parcel at the Development Review Board (DRB).
2. The subject site is in the Central Urban Area and within the Established Urban Area of the Comprehensive Plan. It is adjacent to a Major Transit Corridor, 4<sup>th</sup> Street, which is also a Minor Arterial.
3. The west boundary of the site is adjacent to the SU-2/SR zone in the Sawmill/Wells Park sector development plan area.
4. The subject site is within the area of the Draft North Fourth Street Rank III Corridor Plan, which the EPC recommended for approval and is under consideration by the City Council. It has not been adopted. A three-month moratorium on roadway projects and new development within the 4<sup>th</sup> Street corridor was reintroduced and passed by the City Council on October 7<sup>th</sup> "with immediate action" (R-09-340, 10/7/09), and Interim Design Regulations are in effect.
5. The site development plan accompanying the zoning request (09EPC-40055) conflicts with the Interim Design Regulations in relation to building height, parking and the width of the access drive on 4<sup>th</sup> Street. The applicant intends to discuss the discrepancies with the sponsoring Councilor and Council Services staff.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the North Fourth Street Corridor Interim Design Regulations (ref. R-09-340: Exhibit A, R-08-46), the Sawmill/Wells Park sector development plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following goals and policies of the Comprehensive Plan:

- a. The zone change supports choice in housing, transportation, work areas and lifestyles due to its proximity to Downtown and two transit corridors (Established Urban Area (EUA) Goal, EUA policy a)
  - b. The change will redevelop a vacant site in an older part of the Central Urban Area, that has existing urban facilities and services; it will allow residential growth and small business opportunities that link to uses in the 4<sup>th</sup> street corridor and Downtown and enhance the integrity of the neighborhood (EUA policies e & o, Central Urban Area policy b)
  - c. The higher density housing is appropriate on 4<sup>th</sup> Street, an arterial and major transit corridor. It will provide a transition between industrial and commercial uses to the east and residential uses to the west and encourage transit ridership. (EUA policy h, Transportation policy c)
  - d. The site design is a unique urban redevelopment model that promotes neighborly interaction and active street frontages. (EUA policy l)
  - e. The redevelopment project may use City affordable housing funds, but it will also create higher density housing that maximizes use of available city services and infrastructure in the central part of the city and support neighborhood commerce. (EUA policy p)
  - f. The mixed use project creates a better employment-housing balance, by providing opportunity for live-work on the site, minimizing travel to work in the central area and maximizing walking and public transit use (Air Quality policy b, Transportation Goal)
  - g. A higher density development is by nature energy-efficient and the design includes solar control measures and a white membrane roof. (Energy Management policy c)
  - h. The project increases the availability of quality affordable housing in a location convenient to services and jobs (Housing goal and policy a)
8. The request is inconsistent with the following policies of the Comprehensive Plan:
- a. The accompanying site development plan required by the proposed SU-1 zoning does not adequately reflect the residential neighborhood's input and values (EUA policies d and i)
  - b. The proposed density in the SU-1 for PRD zone may create spillover parking problems on surrounding streets, including the arterial. (EUA policy k)
9. The applicant addressed all sections of Resolution 270-1980 in their justification for the zone change. SU-1 for PRD may be appropriate due to changed conditions in the area and be more advantageous to the community than the existing C-2 zoning. Although it demonstrated that the zoning is consistent with several applicable policies of the Comprehensive Plan, it did not

provide adequate evidence that it respects the values of the adjoining residential neighborhood and will ensure its integrity.

10. The status of the alley at the west boundary of the site and the west property line will need to be verified and resolved to the satisfaction of the City.
11. Property owners within 100', the Wells Park NA, Sawmill Community Land Trust, North Fourth Camino Real Merchants Association and North Valley Coalition were notified. A facilitated meeting was held on September 28, 2009. The NFCRMA submitted a letter of support. The Wells Park NA have raised concerns, primarily about the site plan, in written comments. An adjoining residential property-owner submitted a letter of opposition to the project.

***RECOMMENDATION - 09EPC-40054, October 15, 2009***

**DEFERRAL of 09EPC-40054, a Zone Map Amendment, for Lots 1-12. Paris Addition, for 60 days, based on the preceding Findings.**

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***FINDINGS - 09EPC-40055, October 15, 2009, Site Development Plan for Building Permit***

1. The request is a site development plan for lots 1 – 12, Block 2, Paris Addition, a site of approximately 1 acre located on 4<sup>th</sup> Street between Kinley and Summer Avenues. The applicant proposes to redevelop a former used car lot with a mixed-use development. The 3-story buildings include 36 apartments for sale (condos) totalling 35,592 sf and 7,458 sf of commercial space for O-1 and C-1 uses. Development of the site would be in 4 phases, beginning with the residential buildings on Summer and Kinley and ending with the mixed use buildings on 4<sup>th</sup> Street. All the new street infrastructure would be built in the first phase. The existing 12 lots would be consolidated into one parcel at the Development Review Board (DRB).
2. The subject site is in the Central Urban Area and within the Established Urban Area of the Comprehensive Plan. It is adjacent to a Major Transit Corridor, 4<sup>th</sup> Street, which is also a Minor Arterial.
3. The west boundary of the site is adjacent to the SU-2/SR zone in the Sawmill/Wells Park sector development plan area.

4. The subject site is within the area of the Draft North Fourth Street Rank III Corridor Plan, which the EPC recommended for approval and is under consideration by the City Council. It has not been adopted. A three-month moratorium on roadway projects and new development within the 4<sup>th</sup> Street corridor was reintroduced and passed by the City Council on October 7<sup>th</sup> "with immediate action" (R-09-340, 10/7/09), and Interim Design Regulations are in effect.
5. The site development plan conflicts with the Interim Design Regulations in relation to building height, parking and the width of the access drive on 4<sup>th</sup> Street. The applicant intends to discuss the discrepancies with the sponsoring Councilor and Council Services staff.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the North Fourth Street Corridor Interim Design Regulations (ref. R-09-340: Exhibit A, R-08-46), the Sawmill/Wells Park sector development plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following goals and policies of the Comprehensive Plan:
  - a. The mixed use development supports choice in housing, transportation, work areas and lifestyles due to its proximity to Downtown and two transit corridors (Established Urban Area (EUA) Goal, EUA policy a)
  - b. The project will occupy a vacant site in an older part of the Central Urban Area, that has existing urban facilities and services; it will provide additional housing and small business opportunities that link to uses in the 4<sup>th</sup> street corridor and Downtown and complement the residential neighborhood to the west (EUA policies e & o, Central Urban Area policy b)
  - c. The higher density housing is appropriate on 4<sup>th</sup> Street, an arterial and major transit corridor. It will provide a transition between industrial and commercial uses to the east and residential uses to the west and encourage transit ridership. (EUA policy h, Transportation policy c)
  - d. The site design is a unique urban redevelopment model that promotes neighborly interaction and active street frontages. (EUA policy l)
  - e. The redevelopment project may use City affordable housing funds, but it will also create higher density housing that maximizes use of available city services and infrastructure in the central part of the city and support neighborhood commerce. (EUA policy p)
  - f. The mixed use project creates a better employment-housing balance, by providing opportunity for live-work on the site, minimizing travel to work in the central area and maximizing walking and public transit use (Air Quality policy b, Transportation Goal)

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- g. A higher density development is by nature energy-efficient and the design includes solar control measures and a white membrane roof. (Energy Management policy c)
  - h. The project increases the availability of quality affordable housing in a location convenient to services and jobs (Housing goal and policy a)
8. The request is inconsistent with the following policies of the Comprehensive Plan:
- i. The site design does not adequately reflect the residential neighborhood's input and values (EUA policies d and i)
  - j. The proposed density may create spillover parking problems on surrounding streets, including the arterial. (EUA policy k)
9. The status and extent of the alley at the west boundary of the site will need to be verified and resolved to the satisfaction of the City.
10. Property owners within 100', the Wells Park NA, Sawmill Community Land Trust, North Fourth Camino Real Merchants Association and North Valley Coalition were notified. A facilitated meeting was held on September 28, 2009. The NFCRMA submitted a letter of support for the project. The Wells Park NA has raised various concerns about the site design in written comments. An adjoining residential property-owner submitted a letter of opposition, focusing on the proposed density of the development.

***RECOMMENDATION - 09EPC-40055, October 15, 2009***

**DEFERRAL of 09EPC-40055, a Site Development Plan for Building Permit, for Lots 1-12. Paris Addition, for 60 days, based on the preceding Findings.**

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***Carol Toffaleti  
Planner***

cc: Greater Albuquerque Housing Partnership, 320 Gold Ave. SW, Albuquerque, NM 87102  
Integrated Design & Architecture, 624 Tijeras Ave. NW, Albuquerque, NM 87102  
Fred Sais, Wells Park N.A., 1508 Los Tomases NW, Albuquerque, NM 87102  
Peter Armijo, Wells Park N.A., 515 Constitution NW, Albuquerque, NM 87102  
Scot Steinberg, North Fourth Camino Real Merchants Assoc. Inc., 3906 4<sup>th</sup> Street NW,  
Albuquerque, NM 87107  
Ted Brown, North Fourth Camino Real Merchants Assoc. Inc., P.O. Box 26508, Albuquerque,  
NM 87125  
Connie Chavez, Sawmill Community Land Trust, 904 19<sup>th</sup> Street NW, Albuquerque, NM 87104  
Vicente M. Quevedo, Sawmill Community Land Trust, 904 19<sup>th</sup> Street NW, Albuquerque, NM  
87104  
Chris Catechis, North Valley Coalition, 5733 Guadalupe Tr. NW, Albuquerque, NM 87107  
Claude Morelli, North Valley Coalition, P.O. Box 70352, Albuquerque, NM 87197

***Attachments***

R-09-340: 4<sup>th</sup> Street Moratorium

Exhibit A (R-08-46): 4<sup>th</sup> Street Interim Design Regulations

P. Armijo, V.P., WPNA, letter dated Oct. 5, 2009

P. Armijo, V.P., WPNA, copy of letter to applicant, dated Oct. 5, 2009

L. Kolker, GAHP, letter to WPNA, dated Oct. 7, 2009

M. Clayburgh, letter to EPC, dated Oct. 6, 2009

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

- No comments received.

#### ***Office of Neighborhood Coordination***

Wells Park NA (R)

North Fourth Camino Real Merchants Assoc. (R)

Sawmill Community Land Trust

North Valley Coalition

9/8/09 – Recommended for facilitation – swatson

9/8/09 – Assigned to Diane Grover – swatson

#### ***Long Range Planning***

Reviewed; consistent with the goals for mixed use development per the draft North 4th Street Sector Development Plan

### ***CITY ENGINEER***

#### ***Transportation Development Services***

- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Clarification of public vs. private alley, including defining property lines, will need to be resolved prior to DRB (i.e. platting action, etc.).
- Concurrent platting action required at DRB.
- Site plan shall comply and be designed per DPM Standards and/or as discussed with Transportation Staff per meeting held on August 19, 2009.

#### ***Hydrology***

- The Hydrology Section has no objection to the zone map amendment. No adverse comments on site plan. This project will require an infrastructure list.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

#### ***Traffic Engineering Operations***

- No comments received.

**Street Maintenance**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT  
and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- b. Clarification of public vs. private alley, including defining property lines, will need to be resolved prior to DRB (i.e. platting action, etc.).
- c. Concurrent platting action required at DRB.
- d. Site plan shall comply and be designed per DPM Standards and/or as discussed with Transportation Staff per meeting held on August 19, 2009.

***WATER UTILITY AUTHORITY***

**Utility Services**

- No comments received.

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

- No comments received.

**Environmental Services Division**

- No comments received.

***PARKS AND RECREATION***

**Planning and Design**

Reviewed, no objection. Request does not affect our facilities.

**Open Space Division**

Open Space has no adverse comments

**City Forester**

- Update planting spec to city standard with adjustment to notes saying root collar sets planting depth or see attached below. I like the note on the shrubs saying “5x width or to edge of pavement” That should be on all shrubs and trees
- Tree grates are not required or desired. Can’t planting wells along 4<sup>th</sup> be made similar to ones on Summer and Kinley? They could be extended from 8 feet to 18 feet easily and covered in any pervious stable surface if walking area is desired
- Are trees on separate irrigation zone?
- Water harvesting to planters along Kinley, Summer, and in parking area are all viable due to large size of planter
- Symbols for trees are all the same and we need to know what will be where. Locusts have thorns

***POLICE DEPARTMENT/Planning***

- No comments received.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

- No written comments received. [10/1/09 Verbal comment on the revised submittal is that Solid Waste need access from 6am to 6pm on pick-up days]

***FIRE DEPARTMENT/Planning***

- No written comments received. [10/1/09 Verbal comment on the revised submittal is that a Knox Box is required at the gate on 4<sup>th</sup> Street to allow 24 hour access]

***TRANSIT DEPARTMENT***

Adjacent and nearby routes	Route #10, North Fourth Street route, passes the site in the northbound direction.
Adjacent bus stops	There is a bus stop at the intersection of Fourth Street and Kinley street, serving the above-mentioned route and adjacent to the property.
Site plan requirements	Transit requests that the applicant install a Type C bus shelter as per the COA Design standard COA 2355, and associated bench and trash can at the bus stop location shown on the design plans.
Large site TDM suggestions	N/A
Other information	None.

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## ***COMMENTS FROM OTHER AGENCIES***

### ***BERNALILLO COUNTY***

- No comments received.

### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

### ***ALBUQUERQUE PUBLIC SCHOOLS***

The residential portion of this development will impact Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity.

<b>Loc No</b>	<b>School</b>	<b>2008-09 40th Day</b>	<b>2008-09 Capacity</b>	<b>Space Available</b>
330	R. Chavez	352	495	143
465	Washington	554	763	209
590	Albuquerque	1,792	2,100	308

Residential Units: **36**

Est. Elementary School Students: **10**

Est. Middle School Students: **4**

Est. High School Students: **4**

Est. Total # of Students from Project: **18**

\*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district

### ***MID-REGION COUNCIL OF GOVERNMENTS***

- No comments received.

### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

- No comments received.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

1. As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
2. Existing electric distribution infrastructure is located in the area of the site. As a condition, it is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing distribution facilities along the western and northern boundaries of the site. PNM's standard is for trees to be planted outside the PNM easement. Any relocation, changes or realignment of existing electric utilities will be the developer's expense.
3. Screening should be designed to allow for access to utility facilities. As a condition, it is necessary to provide adequate clearance of ten feet surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes.